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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,007

06/20/2003

Satoshi Masaoka

AK-419XX

5771

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7590

10/26/2007

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EXAMINER

CONLEY, SEAN EVERETT

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

10/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/601,007

Applicant(s)

MASAOKA ET AL.

Examiner

Sean E. Conley

Art Unit

1797

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 7-13, 29 and 33.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


GLADYS JP CORCORAN
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The proposed amendment to claim 7 raises a new issue that requires further consideration and/or search. Specifically, it has been proposed to amend claim 7 to include the following new limitation: "the surface of the packing materials to be sterilized is placed so as to be opposed to the discharge side of the high voltage electrode". This proposed amendment to claim 7 changes the scope of the claims and thus raises a new issue that requires further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant's initial arguments are directed to proposed claim limitations that have not been entered because the proposed limitations raise a new issue that requires further consideration and/or search. The Applicant further argues that the water vapor of Perruchot would not inherently cloud the surface to be sterilized because "water vapor" itself is in a non-aqueous state. This argument is not persuasive. The resulting condensation from the water vapor will cloud the surface being treated. The applicant further argues that neither condensation nor uniform condensation is guaranteed or will inherently occur. This argument is also not persuasive. First, the present claims do not require "uniform condensation". Secondly, Perruchot discloses that there is a variation in the temperature of the surface to be sterilized and the temperature of the humidifier (see paragraph [0082]). Thus, some condensation will occur on the surface of the item being treated due to the variation in temperatures. In addition, Perruchot also teaches that the plasma treatment is effective on wet articles (see paragraph [0079]). Therefore, it would have been obvious to wet the surface of an article prior to treatment with plasma. The applicant also argues that Perruchot teaches away from the need to apply water or an aqueous solution uniformly to the surface to be sterilized and the Examiner's position is unsupported. The examiner disagrees. This argument is directed to only one example taught by Purrochot. Purrochot also teaches that the treatment is effective on wet articles and also teaches that there is some temperature variation between the humidifier and the surface being treated, thus resulting in some condensation from the water vapor (see paragraphs [0079]-[0080]). Therefore, Purrochot discloses that it is known to treat a wet surface with plasma.

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